

**THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

FEDERAL DEPOSIT INSURANCE
CORPORATION, as receiver for GUARANTY
BANK,

Plaintiff,

v.

RBS SECURITIES INC.,

Defendant.

Civil Action No. 14-cv-126-SS

FEDERAL DEPOSIT INSURANCE
CORPORATION, as receiver for GUARANTY
BANK,

Plaintiff,

v.

DEUTSCHE BANK SECURITIES INC. and
GOLDMAN, SACHS & CO.,

Defendants.

Civil Action No. 14-cv-129-SS

DEFENDANTS' SUBMISSION PURSUANT TO THE COURT'S JULY 21, 2017 ORDER

Subject to the Motion for Partial Summary Judgment filed on March 29, 2017 in the above-captioned actions (the "Actions") and the arguments set forth therein, and pursuant to the Orders entered in the Actions on July 21, 2017, Defendants Goldman Sachs & Co. LLC ("Goldman Sachs") and Deutsche Bank Securities Inc. ("DBSI") (which, along with Goldman Sachs, are defendants in Case No. 14-cv-129), along with RBS Securities Inc. ("RBS") (which is

defendant in Case No. 14-cv-126) (collectively, “Defendants”), respectfully submit (i) proposed jury instructions, attached hereto as Exhibit A, and (ii) five citations in support of the proposed jury instructions, attached hereto as Exhibit B.

Defendants do not anticipate disputed factual issues on the issue of damages for the jury other than whether the FDIC sold the securities, and if so, the consideration received and the value of the securities at the time of sale, all other issues being for the Court. Defendants file this submission subject to any stipulations that the parties agree to with respect to factual issues that are undisputed (such as the consideration paid, and the amount and timing of principal and interest received), including facts for which these instructions seek jury findings of fact. Accordingly, Defendants reserve the right to update these proposed jury instructions and citations based upon the Court’s rulings, further evidence to be introduced at trial and any other legal or factual developments. Defendants further reserve the right to move for separate trials on various grounds, including misjoinder, convenience, avoidance of confusion or prejudice, or in the interests of justice, and to submit correspondingly revised proposed jury instructions.

Dated: August 4, 2017

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CERTIFICATE OF SERVICE

I hereby certify that, on August 4, 2017, I electronically filed a copy of the foregoing document in the CM/ECF system, which will send notification to counsel of record via email:

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